

REMARKS

Claims 1, 6, 14, 17 and 22-25 are all the claims pending in the application. New claim 25 has been added, support for which can be found, for example, in the Examples (e.g., Example 3) of the present specification.

Entry of the above amendments is respectfully requested.

Initially, Applicants would like to thank the Examiner for the personal interview conducted with Applicant's representative on March 4, 2004. Applicants believe that the interview was helpful in advancing the prosecution of the present application.

On pages 2-3 of the Office Action, claims 1, 6, 14, 17 and 22-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Menashi or Enomoto.

The Examiner asserts that Menashi and Enomoto each suggests the instantly claimed product having the instantly claimed characteristics. See Table IX at cols. 19, 20 of Menashi and col. 2 of Enomoto. In addition, the Examiner asserts that the references teach ranges that overlap with the claimed ranges, and therefore, the present invention is obvious.

Applicants respectfully submit that the Examiner has not established a *prima facie* case of obviousness, and respectfully traverse the rejection for the following reasons.

Menashi relates to a process for producing barium titanate based powder products consisting of unaggregated, primary particles. See col. 6, lines 22-26. Thus, Menashi does not disclose secondary particles, and actually teaches against the formation of secondary particles, and the particles of Menashi would not have a ratio of D_2/D_1 within the claimed range of the present invention.

In addition, the particles of Menashi having a surface area of $83.7 \text{ m}^2/\text{g}$ in Table IX do not satisfy formula (I) of the present invention. Two minutes after $\text{Ba}(\text{OH})_2$ addition, about 40% of the TiO_2 is converted to BaTiO_3 . See col. 18, lines 40-43. Therefore, the sample is not sufficiently reacted and is not BaTiO_3 . That is, the X/Y ratio of the particles having the surface area of $83.7 \text{ m}^2/\text{g}$ of Menashi is 0.578, which is the stoichiometric ratio of Sr, Ba, Mg etc. to Ti. In the present invention, the ratio of M to Ti is 1, and therefore the particles of Menashi do not possess the characteristics of the particles of the present invention.

Accordingly, Menashi does not teach or suggest the particles of the present invention.

Enomoto relates to a powder composition comprising, for example, SrTiO_3 powder. The SrTiO_3 powder has primary particles not larger than $0.1 \text{ }\mu\text{m}$, which agglomerate to constitute secondary particles in the range from 70 to $180 \text{ }\mu\text{m}$, and the powder has a specific surface in the range from 20 to $30 \text{ m}^2/\text{g}$.

Enomoto discloses SrTiO_3 powder having a D_1 of, for example, $0.047 \text{ }\mu\text{m}$ ($D_1 = 6/(4.286 \times 30)$), which is within the claimed range of 1 to 50 nm. However, since D_2 is in the range of 70 to $180 \text{ }\mu\text{m}$, the D_2/D_1 ratio is more than 10.

In contrast, the D_2/D_1 ratio of the particles of the present invention is from about 1 to about 10. Thus, the particles of the present invention are different from those of Enomoto.

In addition, the secondary particles of Enomoto are so-called skeleton particles retaining the shape of the crystals of oxyoxalate (see col. 2, lines 45-51 and col. 9), and Enomoto employs calcining an oxalate at a temperature of 600 to 900°C for producing titanate powder, which produced in such manner can not be dispersed.

Accordingly, Enomoto does not teach or suggest the particles of the present invention.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 09/579,708

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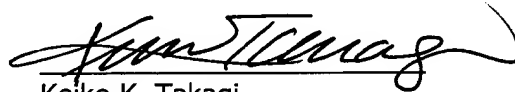
In view of the above, it is respectfully submitted that Menashi and Enomoto fail to teach or suggest the present invention, and withdrawal of the foregoing rejection is respectfully requested.

Reconsideration and allowance of this application are now believed to be in order, and allowance of claims 1, 6, 14, 17 and 22-25 at an early date is respectfully requested.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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